

**United States Patent Application**  
**DECLARATION UNDER 37 C.F.R. § 1.63**

As a below named inventor I hereby declare that: my residence, post office address and citizenship are as stated below next to my name; that

I verily believe I am the original, first and sole inventor (if only one name is listed below) or a joint inventor (if plural inventors are named below) of the subject matter which is claimed and for which a patent is sought on the invention entitled: **METHOD FOR FORMULATING A GLUCOSE OXIDASE ENZYME WITH A DESIRED PROPERTY OR PROPERTIES AND A GLUCOSE OXIDASE ENZYME WITH THE DESIRED PROPERTY**

The specification of which

- a. ☐ is attached hereto.  
 b. ☒ was filed on December 28, 2001 as Application Serial No. 10/035,918, which I have reviewed and for which I solicit a United States patent.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the patentability of this application in accordance with Title 37, Code of Federal Regulations, § 1.56 (attached hereto).

I hereby claim foreign priority benefits under Title 35, United States Code, § 119/365 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on the basis of which priority is claimed:

- a. ☒ no such applications have been filed.  
 b. ☐ such applications have been filed as follows:

FOREIGN APPLICATION(S), IF ANY, CLAIMING PRIORITY UNDER 35 USC § 119			
COUNTRY	APPLICATION NUMBER	DATE OF FILING (day, month, year)	DATE OF ISSUE (day, month, year)
ALL FOREIGN APPLICATION(S), IF ANY, FILED BEFORE THE PRIORITY APPLICATION(S)			
COUNTRY	APPLICATION NUMBER	DATE OF FILING (day, month, year)	DATE OF ISSUE (day, month, year)

I hereby claim the benefit under Title 35, United States Code, § 120/365 of any United States and PCT international application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application.

U.S. PARENT APPLICATION NUMBER	PCT PARENT APPLICATION NUMBER	PARENT FILING DATE	PARENT PATENT NUMBER

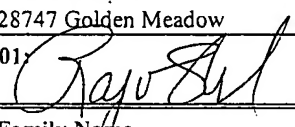
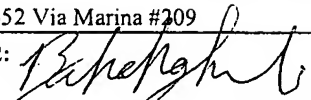
I hereby claim the benefit under Title 35, United States Code § 119(e) of any United States provisional application(s) listed below:

U.S. PROVISIONAL APPLICATION NUMBER	DATE OF FILING (Day, Month, Year)
60/335,585	23, October, 2001

Please direct all correspondence in this case to Ted R. Rittmaster, Esq. at the address indicated below:

Ted R. Rittmaster  
Foley & Lardner  
2029 Century Park East – Suite 3500  
Los Angeles, CA 90067-3021

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2	Full Name Of Inventor	Family Name Shah	First Given Name Rajiv	Second Given Name
0	Residence & Citizenship	City Rancho Palos Verdes	State or Foreign Country California	Country of Citizenship US
1	Post Office Address	Post Office Address 28747 Golden Meadow	City Rancho Palos Verdes	State & Zip Code/Country California 90275/USA
Signature of Inventor 201: 			Date: 4/2/02	
2	Full Name Of Inventor	Family Name Reghabi	First Given Name Bahar	Second Given Name
0	Residence & Citizenship	City Marina Del Rey	State or Foreign Country California	Country of Citizenship Iran
2	Post Office Address	Post Office Address 4652 Via Marina #209	City Marina Del Rey	State & Zip Code/Country California 90292/USA
Signature of Inventor 202: 			Date: 4/10/02	

**§ 1.56 Duty to disclose information material to patentability.**

(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is canceled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is canceled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

(1) prior art cited in search reports of a foreign patent office in a counterpart application, and

(2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.

(b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and

(1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim;  
or

(2) It refutes, or is inconsistent with, a position the applicant takes in:

(i) Opposing an argument of unpatentability relied on by the Office, or

(ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

(c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:

- (1) Each inventor named in the application:
- (2) Each attorney or agent who prepares or prosecutes the application; and
- (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.

(d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.



UNITED STATES  
PATENT AND  
TRADEMARK OFFICE

JUNE 24, 2002

PTAS

Chief Information Officer  
Washington, DC 20231  
www.uspto.gov

FOLEY & LARDNER  
TED R. RITTMASER  
2029 CENTURY PARK EAST  
LOS ANGELES, CA 90067-3000



\*102068651A\*

UNITED STATES PATENT AND TRADEMARK OFFICE  
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, CG-4, 1213 JEFFERSON DAVIS HWY, SUITE 320, WASHINGTON, D.C. 20231.

RECORDATION DATE: 04/23/2002

REEL/FRAME: 012818/0025  
NUMBER OF PAGES: 5

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:  
SHAH, RAJIV

DOC DATE: 04/02/2002

ASSIGNOR:  
REGHABI, BAHAR

DOC DATE: 04/02/2002

ASSIGNEE:  
MEDTRONIC MINIMED, INC.  
18000 DEVONSHIRE STREET  
NORTHRIDGE, CALIFORNIA 91325-1219

SERIAL NUMBER: 10035918  
PATENT NUMBER:

FILING DATE: 12/28/2001  
ISSUE DATE:

MARCUS KIRK, EXAMINER  
ASSIGNMENT DIVISION  
OFFICE OF PUBLIC RECORDS

4123102

Atty. Dkt. No. 047711-0293

FORM PTO-1595 (modified)  
(Rev 6-93)  
APR 23 2002  
RECC

04-26-2002



102068651

U.S. DEPARTMENT OF COMMERCE  
HEET  
Patent and Trademark Office

To the Director of the United States Patent

ached original documents or copies thereof.

1. Name of conveying party(ies):  Rajiv Shah Bahar Reghabi		2. Name and address of receiving party(ies):  Medtronic MiniMed, Inc. 18000 Devonshire Street Northridge, California 91325-1219	
Additional conveying party(ies) NO			
3. Nature of conveyance:  ASSIGNMENT  Execution Date: April 2 and 3, 2002		Additional name(s) & address(es) attached? NO	
4. Application number(s) or patent number(s): 10/035,918  If this is being filed together with a new application, the execution date of the application is:  A. Patent Application Number(s): 10/035,918  B. Patent Number(s):  Additional numbers attached? NO			
5. Name and address of party to whom correspondence concerning document should be mailed:  Ted R. Rittmaster FOLEY & LARDNER 2029 Century Park East Los Angeles, California 90067-3000		6. Total number of applications/patents involved: 1  7. Total fee (37 C.F.R. § 3.41): \$40.00  <input checked="" type="checkbox"/> Check Enclosed  Charge to deposit account  8. Deposit account number: 50-0872	

DO NOT USE THIS SPACE

9. Statement and signature:  
To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document. The Commissioner is hereby authorized to charge any additional recordation fees which may be required in this matter to the above-identified deposit account.

Ted R. Rittmaster		April 15, 2002
Name of person signing	Signature	Date

Total number of pages including cover sheet, attachments, and document: 6

04/25/2002 AAHME1 00000085 10035918  
01 FC:581 40.00 DP  
015.534720.1

## ASSIGNMENT

Attorney Docket No. 047711-0293

(1-3) Insert Name(s) of  
Inventor(s)

(1) RAJIV SHAH  
(2) BAHAR REGHABI

In consideration of the sum of one dollar (\$1.00) and other good and valuable considerations paid to each of the undersigned, the undersigned agree(s) to assign, and hereby does assign, transfer and set over to

(4) Insert name of Assignee

(4) MEDTRONIC MINIMED, INC.

(5) Insert state of  
Incorporation of Assignee

(5) Delaware

(6) Insert address of  
Assignee

(6) of 18000 Devonshire Street, Northridge, CA 91325-1219  
(hereinafter designated as the Assignee) the entire worldwide right, title and interest in the invention known as

(7) Insert identification of  
Invention, such as Title,  
Case Number or Foreign  
Application Number

(7) METHOD FOR FORMULATING A GLUCOSE OXIDASE ENZYME WITH A DESIRED PROPERTY OR PROPERTIES AND A GLUCOSE OXIDASE ENZYME WITH THE DESIRED PROPERTY  
for which the undersigned has (have) executed an application for patent in the United States of America

(8) Insert Date of Signing of  
Application

(8) on April 2, 2002

1) The undersigned agree(s) to execute all papers necessary in connection with an application in any country of the world and any continuing or divisional applications thereof and also to execute separate assignments in connection with such applications as the Assignee may deem necessary or expedient.

2) The undersigned agree(s) to execute all papers necessary in connection with any interference which may be declared concerning this application or continuation or division thereof and to cooperate with the Assignee in every way possible in obtaining evidence and going forward with such interference.

3) The undersigned agree(s) to execute all papers and documents and perform any act which may be necessary in connection with claims or provisions of the International Convention for Protection of Industrial Property or similar agreements.

4) The undersigned agree(s) to perform all affirmative acts which may be necessary to obtain a grant of a valid United States patent to the Assignee.

5) The undersigned hereby authorize(s) and request(s) the Commissioner of Patents to issue any and all Letters Patents of the United States resulting from said application or any division or divisions or continuing applications thereof to the said Assignee, as Assignee of the entire interest, and hereby covenants that he has (they have) full right to convey the entire interest herein assigned, and that he has (they have) full right to convey the entire interest herein assigned, and that he has (they have) not execute, any agreement in conflict herewith.

6) The undersigned hereby appoints:

Paul H. Kovelman, Reg. No. 35,228  
Cary Talbot, Reg. No. 47,123  
Vivian Shin, Reg. No. 43,919  
Richard K. Yoon, Reg. No. 42,247

and all of the firm of Foley & Lardner:

Ted R. Rittmaster, Reg. No. 32,933  
Irvin C. Harrington, III, Reg. No. 44,740

the power to insert on this assignment any further identification which may be necessary or desirable in order to comply with the rules of the United States Patent and Trademark Office for recordation of this document.


Date: 4/2/02 Signature of Inventor   
Rajiv Shah

State of California

County of Los Angeles

On this April 2, 2002, before me, Christine Pineiro, a Notary Public, personally appeared Rajiv Shah, ~~personally known to me~~ (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument, and acknowledge to me that he executed the same in his authorized capacity, and that by his signature on the instrument, the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS, my hand and official seal.

  
Notary Public





Date: 4/02/02

Signature of Inventor

Bahar Reghabi

Bahar Reghabi

State of California

County of Los Angeles

On this April 2, 2002, before me, Christine Pineiro a Notary Public, personally appeared Bahar Reghabi, ~~personally known to me~~ (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument, and acknowledge to me that she executed the same in her authorized capacity, and that by her signature on the instrument, the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS, my hand and official seal.

Christine Pineiro

Notary Public



ACCEPTANCE:

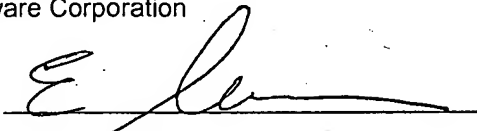
The undersigned, MEDTRONIC MINIMED, INC., a Delaware corporation, hereby declares that it has accepted the foregoing assignment.

SIGNED AND SEALED this 3<sup>rd</sup> day of April, 2002.

ASSIGNEE:

MEDTRONIC MINIMED, INC.,  
a Delaware Corporation

By:



Name: Eric P. Geismar

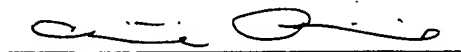
Title: Vice President and Senior Counsel

State of California

County of Los Angeles

On this April 3, 2002, before me, Christine Pineiro, a Notary Public, personally appeared Eric P. Geismar, personally known to me ~~(or proved to me on the basis of satisfactory evidence)~~ to be the person whose name is subscribed to the within instrument, and acknowledge to me that he executed the same in his authorized capacity, and that by his signature on the instrument, the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS, my hand and official seal.

  
Notary Public

FORM PTO-1595 (modified)

(Rev 6-93)

U.S. DEPARTMENT OF COMMERCE

Patent and Trademark Office

# RECORDATION FORM COVER SHEET PATENTS ONLY

To the Director of the United States Patent and Trademark Office: Please record the attached original documents or copies thereof.

1. Name of conveying party(ies):

Rajiv Shah  
Bahar Reghabi

Additional conveying party(ies) NO

2. Name and address of receiving party(ies):

Medtronic MiniMed, Inc.  
18000 Devonshire Street  
Northridge, California 91325-1219

3. Nature of conveyance:

ASSIGNMENT

Execution Date:

April 2 and 3, 2002

Additional name(s) &amp; address(es) attached? NO

4. Application number(s) or patent number(s): 10/035,918

If this is being filed together with a new application, the execution date of the application is:

A. Patent Application Number(s):

10/035,918

B. Patent Number(s):

Additional numbers attached? NO

5. Name and address of party to whom correspondence concerning document should be mailed:

Ted R. Rittmaster  
FOLEY & LARDNER  
2029 Century Park East  
Los Angeles, California 90067-3000

6. Total number of applications/patents involved: 1

7. Total fee (37 C.F.R. § 3.41): \$40.00

☒ Check Enclosed

Charge to deposit account

8. Deposit account number: 50-0872

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9. Statement and signature:

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document. The Commissioner is hereby authorized to charge any additional recordation fees which may be required in this matter to the above-identified deposit account.

Ted R. Rittmaster

April 15, 2002

Name of person signing

Signature

Date

Total number of pages including cover sheet, attachments, and document: 6